

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN PAUL NESKOROSCHENY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08-cv-143-HSO-JMR

**SHERIFF DAVID ALLISON and
PEARL RIVER COUNTY**

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATIONS AND
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This cause comes before the Court on the Report and Recommendations [64] of Chief United States Magistrate Judge John M. Roper, entered in this cause on November 16, 2009. Magistrate Judge Roper reviewed Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment and Qualified Immunity [56] filed on July 6, 2009, as well as Plaintiff's Response [59], and Defendants' Reply [61], and determined that the Motion for Summary Judgment should be granted. *See* Report and Recommendations, at pp. 5-6. The return receipt card on the envelope containing the Report and Recommendations was marked delivered on November 18, 2009. *See* Acknowledgment [65]. Plaintiff did not file an objection to the Report and Recommendations. After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendations [64] of Chief United States Magistrate Judge John M. Roper, entered in this cause on November 16, 2009, should be, and the same hereby is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendants' Motion for Summary Judgment [56] filed on July 6, 2009, should be and hereby is **GRANTED**, and the claims against Defendants are hereby **DISMISSED WITH PREJUDICE**. A separate judgment will be entered herein in accordance with this Order, as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 8th day of January, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE